

Appl. No.: 10/563,396
Amdt. Dated June 10, 2009
Reply to Office Action of December 10, 2008

REMARKS

This amendment is submitted along with a request for a three month extension and appropriate fees in reply to the Office Action dated December 10, 2008. Claims 1-22 currently stand rejected. Applicant has amended independent claims 1, 12, 21 and 22 for clarity. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §101

Claims 21 and 22 currently stand rejected under 35 U.S.C. §101 as being non-statutory. Applicant has amended independent claims 21 and 22 to further indicate that each such claim includes instructions stored on an electronic computer readable storage medium, which forecloses the possibility of either claim covering a carrier wave. According, Applicant respectfully submits that the rejections of independent claims 21 and 22 are overcome.

Claim Rejections - 35 USC §103

Claims 1-11 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over to Zigmond et al. (U.S. Patent No. 6,698,020, hereinafter “Zigmond”) in view of Stettner (U.S. Patent Application Publication No. 2002/0104090). Claims 12-22 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over to Zigmond in view of Stettner and further in view of Holtz (U.S. Patent No. 6,760,916).

Applicant has amended independent claim 1 to clarify that the claimed invention relates to a system for organization of signals for transmitting thereof to a plurality of subscriber receivers, wherein each signal represents a type of information belonging to a particular contents category. The system includes a central management server, at least one client computer and a transmission unit. The central management server is adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers. Each of the at least one client computer

has an interface towards the central management server and is adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted under the management of the central management server. The transmission unit is adapted to receive the signals and, in accordance with an organization scheme produced by the central management server, transmit these signals to the subscriber receivers. The proposed organization scheme specifies, for each signal to be transmitted, a transmission resource, a time instance and a contents category. For at least one segment of the signal the contents category determines which sub-segment that will be presented in which subscriber receiver.

Zigmond, is directed to “a system and method for selecting and inserting advertisement into a video programming feed at the household level. ...”. However, Zigmond neither teaches nor suggests anything about a central management server. To the contrary, Zigmond discloses a satellite service provider, which Applicant respectfully submits is not the same as the central management server of the claimed invention. In this regard, Zigmond describes a system for selecting and inserting an advertisement into a video programming feed in which, for example, an advertisement insertion device in a home entertainment system receives a plurality of advertisements from an advertisement source. The advertisements selection device selects one of the advertisements for display to the viewer at the household level.

According to the present invention, a client computer (e.g. located at an advertiser's or TV network facilities) provides the system instructions regarding the signals (advertisement, programming content, etc.) to be transmitted. In fact, the instructions provided by the client computer only render it possible to determine which signal that will be transmitted via which resource (channel, etc.) at a particular point in time. The central management server then receives these instructions to coordinate the distribution of signals via the transmission unit. This feature is lacking from Zigmond as admitted in the Office Action.

Thus, a major difference between the claimed invention and Zigmond is that a *central management server coordinates all types of instructions* (which typically originate from a plurality of instances, i.e. the client computers, which each has the authority to organize a sub-set of the signals). This is an important difference, since the central management server organizes the distribution of the different signals over the transmission resources in accordance with each

client computer's instructions. Namely, it is impossible to attain an optimal distribution of the signals from the signal sources over the available distribution resources without the central management server (or equivalent network function).

The first objective problem (1) that the invention solves in relation to Zigmond is thus to accomplish an efficient usage of the distribution resources, and at the same time enable a number of clients to organize transmission of their signals, respectively, to the subscriber receivers in a flexible manner. Zigmond neither suggests nor teaches anything, which would lead one of skill in the art who is confronted with the objective problem (1) to modify the disclosure of Zigmond according to the wording of the independent claim 1. To the contrary, the system consistently discussed in Zigmond is regarded to direct the attention of one of skill in the art to the fact that it is advantageous to optimize the *selection of the different advertisements at a local level*.

Additionally, based on the description in Zigmond, it is far from a straightforward task for one of skill in the art to implement a solution of a second objective problem (2) solved by the claimed invention in relation to accomplishing an efficient usage of *multiple* distribution resources in a network at the disposal of a number of client computers. Due to Zigmond's failure to provide any disclosure regarding the claimed "at least one client computer", as admitted by the Office Action, Zigmond necessarily fails to teach or suggest this feature or provide any solution to the second objective problem (2).

On the other hand, Stettner, which is cited as curing the deficiency of Zigmond in relation to the "at least one client computer" feature, discloses "An advertising service which presents an interactive advertisement to customer, such as via a television commercial. If the customer indicates an interest in the advertised product by responding to the advertisement, then the advertising service or other mechanism identifies the customer, correlates the customer to a merchant, and then automatically connects the customer to the merchant". Moreover, Stettner further discloses that "A production company produces programming content for transmission to viewers. The transmission is sent over an uplink channel to a satellite. The satellite then transmits the programming content over a downlink channel to a *local studio*".

Accordingly, Stettner specifically presents a solution wherein there is a local studio which can insert additional programming or advertisements (see paragraph [0022]). Hence, there

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is nothing in Stettner either that would lead the skilled person confronted with the objective problems (1) and (2) to modify the solution of Stettner in relation to providing a system according to the claimed invention. Accordingly, there is no indication in Stettner that refers to any organization of any kind particularly signal transmission instructed by client computers. According to Stettner, the position and placement of the local studio is between the downlink and the receivers at the viewer location.

For the same reasons, there is no incitement for the skilled person with knowledge of Zigmond to seek a solution to the objective problem (1) in Stettner. No less would a skilled person with knowledge of Stettner confronted with the objective problem (2) be inclined to seek a solution in Zigmond, since both documents propose different kind of selection and insertion methods and system positioned at the receiving location and subsequent to the signal down link that are inherently incapable of optimizing the usage of multiple distribution resources. The claimed invention is therefore patentable over Zigmond and Stettner, alone or in combination. Holtz fails to cure these deficiencies of Zigmond and Stettner and is not cited as such. Thus, the claimed invention as recited in independent claim 1 is patentable over Zigmond, Stettner and Holtz, alone or in combination.

Independent claims 12, 21 and 22 include similar recitations to those of independent claim 1 in relation to providing the features described above. Thus, independent claims 12, 21 and 22 are patentable at least for the corresponding reasons provided for independent claim 1. Claims 2-11 and 13-20 depend either directly or indirectly from respective ones of independent claims 1 and 12, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-11 and 13-20 are patentable for at least those reasons given above for independent claims 1 and 12.

Accordingly, for at least the reasons provided above, Applicant respectfully submits that the rejections of claims 1-22 are overcome.

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CONCLUSION

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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